

EX PARTE OR LATE FILED



WILLIAM G. O'BRIEN
County Administrator

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BOARD OF SUPERVISORS
RABLO CUEVAS
Election District No. 1
CHARLES W. AHREND
Election District No. 2
N. PAIGE WILL
Election District No. 3
WILLIAM B. KYGER, JR.
Election District No. 4
JOSEPH R. CORREA, JR.
Election District No. 5

ROCKINGHAM COUNTY

October 27, 1997

Mr. William Kennard
Chairman-Designate
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Dear Chairman Kennard:

Ex Parte Letter Re: Cases WT 97-¹⁹²197, MM Docket
97-182/and DA 96-2140

Rockingham County requests that you terminate all action in the preceding cases. They attempt to make the FCC a federal zoning commission for cellular and broadcast towers, and violate the intent of Congress, the Constitution and principles of federalism. As you are aware, Congress and the courts have long recognized that zoning is a matter for local legislative action. The FCC is not versed in zoning matters and is not accessible to most citizens.

Attached for your information is a copy of a letter sent by the Chairman of our Board of Supervisors to our representatives in the Senate and the House.

We believe that the proposed actions of the FCC all violate the Communications Act and the Constitution.

Mr. William Kennard
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Therefore, it is requested that you terminate all proceedings on the proposed actions immediately.

Very truly yours,



William G. O'Brien

WGO'B/db
Enclosure

cc: Board of Supervisors
cc w/enc: Mr. William F. Caton
Acting Secretary
Federal Communications Commission (6 copies)
1919 M. Street
Washington, D.C. 20554
National Association of Counties
Virginia Association of Counties



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County Administrator



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October 24, 1997

The Honorable Frank R. Wolf
House of Representatives
241 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Wolf:

At its meeting of October 22, 1997, the Board of Supervisors voted unanimously to oppose a recent Federal Communications Commission rule making (Docket No. 97-182) which would preempt local zoning authority of television and radio broadcast towers. This rule making is being made to facilitate the implementation of digital television technology by broadcasters which, in some cases, will require a tower which is approximately one mile high.

Rockingham County is extremely concerned with this rule because it would be an intrusion into local zoning authority, specifically as it relates to the siting and construction of towers. Further, the FCC is proposing unrealistic time constraints for local action on such tower construction requests, would preempt local concerns related to esthetics and environmental issues and inserts the FCC (as opposed to the federal court system) as the venue for appeal.

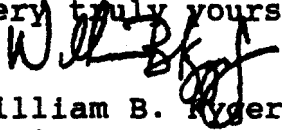
We strongly urge you to intervene on our behalf to oppose this rule making. Local government, being that government which is closest to the people, is the appropriate jurisdiction to balance local needs for this technology with the concerns of local residents.

If you have any questions, please feel free to contact William G. O'Brien or me.

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Thank you in advance for your support of the County's position in this matter.

Very truly yours,


William B. Ryger
Chairman

WBK/db

cc: The Honorable Kevin Miller
The Honorable Emmett W. Hanger, Jr.
The Honorable Glenn M. Weatherholtz
The Honorable R. Steven Landes
The Honorable Raymond R. Guest, Jr.

This letter was sent to:

The Honorable John W. Warner
United States Senate
225 Russell Building
Washington, D.C. 20510

The Honorable Charles S. Robb
United States Senate
493 Russell Building
Washington, D.C. 20510

The Honorable Robert W. Goodlatte
House of Representatives
123 Cannon House Office Building
Washington, D.C. 20515

The Honorable Frank R. Wolf
House of Representatives
241 Cannon House Office Building
Washington, D.C. 20515